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Oct 4 1957

Encl.  
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Honorable Franklin G. Floete  
Administrator  
General Services Administration  
Washington 25, D. C.

Dear Mr. Floete:

On August 28, 1957, you forwarded to this Agency for review and comment a proposed General Services Administration General Regulation entitled, "Small Business Set-aside Program."

We have reviewed this proposed Regulation and do not have any suggestions for changes. Accordingly, we have no objection to its publication as a General Regulation. In our opinion, however, strict compliance with the procedures of the Regulation would create serious security problems and conflict with the responsibility imposed upon the Director of Central Intelligence by Section 102(d) of the National Security Act of 1947. In such cases we would be required to comply with the provisions of the National Security Act to the extent of any conflict with the General Regulation. For example, matters pertaining to classified contracts are handled even within our own procurement office on a "need-to-know" basis. It is evident, therefore, that application of this principle to non-Agency employees, even though cleared, is a logical extension of this policy. This, however, should not affect our ability to adhere to the principles enunciated in the Regulation in supporting the objectives of the Small Business Act.

Sincerely,

Signed

L. K. White  
Deputy Director

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OL/ADL/WHM/di (2 Oct 57)  
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DD/S 58-4386 47

Encl.  
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Mr. Phil W. Jordan, Chairman  
Task Force for Review of  
Government Procurement  
Policies and Procedures  
General Services Administration  
Washington 25, D. C.

Dear Mr. Jordan:

Your letter of September 12, 1958 submitted for review proposed General Regulation entitled, "Small Business Procurement Set-Asides and Certificates of Competency."

We have reviewed this proposed regulation and have no specific suggestions for changes. Accordingly, we have no objection to its publication as a general regulation.

In our opinion, however, strict compliance with certain procedures of the regulation would create serious security problems and conflict with the responsibility imposed upon the Director of Central Intelligence by Section 102(d) of the National Security Act of 1947.

Under the circumstances our opinion respecting this currently proposed General Regulation is the same as that previously given the Administrator, General Services Administration on this subject in our letter of October 3, 1957.

Sincerely,

L. F. White  
Deputy Director

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SI/PD: [redacted] Feb/75 13 Oct 1958

SUBJECT: Task Force for Review of Government Procurement  
Policies and Procedures - Proposed GSA Regulation  
transmitted by letter dated 12 September 1958 and  
signed by Phil W. Jordan, Chairman

CONCURRENCES:

STATINTL

*15/*   
Chief, Procurement Division/OL

*10/30/58*  
Date

STATINTL

*for 15/*   
Chief, Real Estate & Construction/OL

*10/30/58*  
Date

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*15/*   
Chief, Security Staff/OL

*10/30/58*  
Date

STATINTL

  
Assistant General Counsel

*11/5/58*  
Date